

Appl. No. : 09/945,234
Filed : August 31, 2001

REMARKS

This paper is in response to the Office Action dated July 8, 2004. Applicant has amended the application as set forth above. Specifically, Claims 12, 13, 22-25 and 27 have been canceled without prejudice solely to advance the prosecution of the instant application. Claims 1, 8, 10, 11, 17, 18, 26 and 28-30 have been amended solely to advance the prosecution of the application. New Claims 32-38 have been added. Upon the entry of the amendments, Claims 1-11, 14-21, 26 and 28-38 are pending in this application. No new matter is added by the amendments as discussed below. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the above amendments and the following remarks.

Discussion of Amendments

Claim 1 has been amended to incorporate the features of canceled Claim 13. Claims 8, 10 and 11 have been amended to correct grammatical errors. Claim 17 has been amended to incorporate the features of base Claim 1 and to place the claim in independent form. Claim 18 has been amended to incorporate the features of canceled Claims 22-25. Claims 28 and 29 have been amended to incorporate the features of canceled Claim 27. The amendments to Claim 30 are to add other features which are supported by the originally filed specification, drawings and Claim 13. New Claims 32-38 are to further define Claim 17 and are supported by the originally filed claims, for example, Claims 12, 2, 3, 4, 6, 10 and 14, respectively. As such, Applicant respectfully submits that the amendments are fully supported by the application as originally filed and do not constitute the addition of new matter. Applicant respectfully requests entry of the amendments.

Foreign Priority Claim and Submission of Priority Document

Applicant has noticed that the claim of foreign priority under 35 U.S.C. § 119 is not acknowledged on the summary page of the Office Action. The claim of foreign priority under 35 U.S.C. § 119 based on Korean Patent Application No. 1999/7131 was made in Applicant's Declaration filed on December 3, 2001 and at the first paragraph (Related Applications) of the specification. A certified copy of the priority document was submitted during the international phase of the International Application No. PCT/KR00/00160, which is the parent application of this application under 35 U.S.C. § 365(c). Applicant respectfully requests the acknowledgement

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of the priority claim and the receipt of the priority document in the next Office Action or communication.

Discussion of Claim Objections

Claims 8 and 26 have been objected to as including informalities. The Examiner required that Applicant delete the term “of” in Claim 8 and change “are” in Claim 26 to “is.” Applicant has amended Claims 8 and 26 as suggested by the Examiner.

Discussion of Rejection Under 35 U.S.C. § 112

Claims 10, 11 and 25 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner indicated that the term “the inner surfaces” of Claims 10 and 11 does not have a sufficient antecedent basis. In reply, Applicant has changed the term to “inner surfaces of the first and second walls.” The Examiner also indicated that in Claim 25 the term “the intermediate for manufacturing a mattress” does not have a sufficient antecedent basis. Claim 25 has been canceled and therefore the rejection is moot. Applicant respectfully submits that the claim amendments overcome the rejection.

Allowable Subject Matter

Applicant gratefully acknowledges allowance of Claim 31 and the Examiner’s notes that Claims 13, 17, 25, 28 and 29 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims.

Claim 13 has been canceled, but all of its features have been added to its base Claim 1. As such, Claim 1 is equivalent to Claim 13 and written in independent form. Claim 17 has been rewritten in independent form, incorporating the features of its base Claim 1. Claim 25 has been canceled, but all of the features of Claim 25 and its intermediate claims have been added to its base Claim 18. As such, Claim 18 is equivalent to Claim 25 and written in independent form. Claims 28 and 29 have been rewritten in independent form, including the features of their base claim, Claim 27.

As such, all of these claims, Claim 1, 17, 18, 28 and 29, are now in independent form including all of the features of the base claim and intervening claims. Claims 2-11, 14-16, 19-21,

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26 and 32-38 depend from one of the above allowable independent claims, Claim 1, 17 and 18. In view of the allowability of the independent claims and in further view of the additional technical features, dependent Claims 2-11, 14-16, 19-21, 26 and 32-38 are also allowable.

Discussion of Rejection Under 35 U.S.C. § 102

The Examiner rejected Claims 1-6, 8, 9, 12, 14-16, 18-24, 26, 27 and 30 under 35 U.S.C. § 102 (b) as being anticipated by Cross (U.S. Patent No. 3,205,106). As discussed above, Claim 1 is equivalent to original Claim 13, which was noted allowable. Claims 2-6, 8, 9 and 14-16 depend from Claim 1 and therefore are allowable. Claim 18 is equivalent to original Claim 25, which was noted allowable. Claims 19-21 and 26 depend from Claim 18 and therefore are allowable. Claims 12, 22-24 and 27 are canceled and therefore the rejection is moot.

With regard to Claim 30, Applicant has amended the claim by adding the feature that “the foam material partly fills the enclosed space.” Anticipation under Section 102 can be found only if a reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775 (Fed. Cir. 1985). Cross does not disclose, among others, the feature that the foam material partly fills the enclosed space. Therefore, Cross does not anticipate the claimed invention.

Discussion of Rejection Under 35 U.S.C. § 103

The Examiner rejected Claims 7, 10 and 11 under 35 U.S.C. § 103 (a) as being unpatentable over Cross. Claim 7, 10 and 11 depend from Claim 1, which is equivalent to original Claim 13, which is allowable subject matter. As such, Claims 7, 10 and 11 are patentable over Cross.

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CONCLUSION

In view of Applicant's amendments to the claims and the foregoing remarks, Applicant respectfully submits that the present application is in condition for allowance. Should the Examiner have any remaining concerns, which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Respectfully submitted,

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